

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR-1-02-030

JAMES CARTER,

Defendant.

ORDER

This matter is before the Court on its Standard Action Docket upon Defendant's Motion to Reduce Sentence Pursuant to 18 U.S.C. Section 3582(c)(2), U.S.S.G. Section 1B1.10 effective March 3, 2008, and General Orders No. 08-02 and 08-03 (doc. no. 56). This is an "Agreed Disposition Case".

The United States Sentencing Commission authorized the retroactive application of Guideline Amendment 706 to all defendants who met certain eligibility criteria. Defendant filed a *pro se* Motion for Retroactive Application of the Sentencing Guidelines (doc. no. 51) which the Court referred to the Probation Department (doc. no. 54) and the Court appointed the Federal Public Defender (doc. no.53). Counsel for the government, representatives of the United States Probation Office and counsel for defendant agree that Mr. Carter meets the Commission's eligibility requirements for the retroactive application of Guideline Amendment 706 to his case.

This Court has independently reviewed the information in the record and concludes that

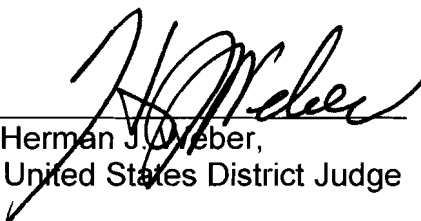
the November 1, 2007 crack amendment applies to this case, therefore, Mr. Carter's base offense level is reduced to 27. His original criminal history category is VI. His new advisory sentencing range is 130 to 162 months.

Mr. Carter has been consulted and he agrees that the sentence of 130 months is appropriate.

Taking into account the advisory Guideline's Policy statements, the amended sentencing range, the relevant sections 3553 and 3582 factors, and the entire record, the Court makes its independent determination that the recommended reduced sentence of 130 months is sufficient but not greater than necessary to comply with the purposes set forth in 18 U.S.C. Sections 3553 and 3582.

The Court **GRANTS** the Motion to Reduce Mr. Carter's sentence of imprisonment to 130 months (doc. no. 56). Amended Judgment to follow.

IT IS SO ORDERED.



Herman J. Weber,
Senior United States District Judge